

RETURN DATE: May 6, 2014

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SOUNDKEEPER, INC.

Plaintiff,

v.

CONNECTICUT DEPARTMENT OF  
ECONOMIC AND COMMUNITY  
DEVELOPMENT

Defendant.  
-----x

SUPERIOR COURT

JUDICIAL DISTRICT OF  
HARTFORD, AT HARTFORD

March 28, 2014

**COMPLAINT**

1. Soundkeeper, Inc., a member-supported not-for-profit environmental organization, brings this action pursuant to Section 22a-16 of the Connecticut Environmental Protection Act to enforce violations of: (i) the Connecticut Environmental Policy Act; (ii) the Connecticut Coastal Management Act; and (iii) Section 16a-31 of the Connecticut General Statutes, in connection with a development project which the Connecticut Department of Economic and Community Development (“DECD”) proposes to fund in Stamford.

2. The Environmental Policy Act requires every state-approved or state-funded activity that may significantly affect the environment to be evaluated in a detailed written report known as an Environmental Impact Evaluation (“EIE”).

3. An EIE must analyze the environmental consequences of the action (including adverse effects on ecological, cultural and recreational resources), measures to lessen or avoid those effects, and reasonable alternatives to the proposed action. EIEs must also be subjected to certain avenues for public notice, review and participation.

4. The Coastal Management Act requires every state-approved or state-funded

activity that may significantly affect the environment to: (i) be consistent with the goals and policies of the Coastal Management Act; and (ii) incorporate all reasonable measures mitigating any adverse impacts on coastal resources and water-dependent activities.

5. Section 16a-31 (hereinafter, the “State Plan Conformity Requirement”) requires every state funding authorization exceeding \$200,000 for the development of real property to be consistent with the State Plan of Conservation and Development.

6. The State Plan of Conservation and Development requires: (i) minimizing the siting of new development in coastal areas prone to erosion and flooding; and (ii) undertaking coastal development in an environmentally sensitive manner, consistent with the Coastal Management Act’s goals and policies.

7. Bridgewater Associates, LP, the world’s largest hedge fund, is proposing to utilize state funding for construction of a new 850,000-square-foot headquarters building, a three-story parking garage for 3000 cars, and associated facilities in and around a 14-acre waterfront site adjacent to Stamford Harbor. The site is in a flood plain, is zoned for “water-dependent uses,” and has been used as a boatyard or shipbuilding facility for more than a century.

8. The proposed Bridgewater project will or may have numerous significant adverse environmental consequences relating to: (i) water pollution; (ii) flooding; (iii) intertidal lands; (iv) fauna; (v) aesthetics; (vi) noise; (vii) traffic; (viii) inconsistencies with state and local zoning and land use plans; (ix) public access to the waterfront and harbor; and (x) displacement of a century-old, cherished and sorely needed water-dependent use with a non-water-dependent office complex that could be constructed in a variety of other locations

and thereby avoid or mitigate many of those impacts.

9. DECD did not, however, prepare an EIE to evaluate the Bridgewater project.

10. Contrary to the recommendation of the Connecticut Department of Energy and Environmental Protection (“DEEP”), DECD also did not evaluate any potential alternative sites for the project.

11. DECD also did not require legally adequate mitigation of adverse environmental effects and, to the extent DECD considered any mitigation measures, those measures were not developed, analyzed, disclosed and reviewed through the EIE process.

12. Further, the proposed Bridgewater project is inconsistent with the goals and policies of the Coastal Management Act and the State Plan of Conservation and Development and does not incorporate all reasonable measures mitigating any adverse impacts on coastal resources and water-dependent activities.

13. Soundkeeper seeks a judicial declaration that DECD has violated the Environmental Policy Act, the Coastal Management Act, and the State Plan Conformity Requirement and an injunction requiring DECD to comply fully with those laws before any state funding for the Bridgewater project is committed or provided.

#### **JURISDICTION AND VENUE**

14. This Court has jurisdiction pursuant to Conn. Gen. Stat. § 22a-16.

15. The Court may also issue a declaratory judgment pursuant to Conn. Gen. Stat. § 52-29.

16. Venue is proper in the judicial district of Hartford pursuant to Conn. Gen. Stat. § 22a-16.

## **PARTIES**

17. Plaintiff Soundkeeper, Inc. is a 501(c)(3) not-for-profit corporation founded in 1987 and incorporated under the laws of the State of Connecticut. Soundkeeper's headquarters is located at 7 Edgewater Place, Norwalk, and the organization has an on-the-water presence in Stamford Harbor and elsewhere in and around Long Island Sound (the "Sound") through its patrol boat and sewage pump-out boats. Soundkeeper's mission is to protect and enhance the biological, physical, and chemical integrity of the Sound and its watershed and tributaries through education, projects, and advocacy. Soundkeeper's priorities include preserving and promoting access to the Sound for recreational purposes, and preserving its working waterfronts. Soundkeeper's members include a broad cross-section of the public, including commercial and recreational fishermen, boaters, swimmers, marine industry personnel, shellfish harvesters, birders, and other individuals who use and enjoy the Sound and Stamford Harbor, many of whom will be adversely affected by the Bridgewater project.

18. Defendant Connecticut Department of Economic and Community Development is a department of the State of Connecticut established pursuant to Conn. Gen. Stat. § 8-37i.

## **LEGAL BACKGROUND**

### **Environmental Policy Act**

19. The Environmental Policy Act, Conn. Gen. Stat. §§ 22a-1a to § 22a-1h, was enacted in 1973 and modeled after the National Environmental Policy Act of 1969 ("NEPA"),

42 U.S.C. §§ 4331 to 4335, but is not identical to the federal statute.

20. The Environmental Policy Act regulations are codified in Regulations of Connecticut State Agencies (“RCSA”) §§ 22a-1a-1 to 221-1a-12, but have not been updated following amendments to the statute.

**Threshold for Preparation of an EIE**

21. The Environmental Policy Act provides that “[e]ach state department ... responsible for the primary recommendation or initiation of actions which *may* significantly affect the environment ... *shall* make a written evaluation of environmental impact before deciding whether to undertake or approve such action.” Conn. Gen. Stat. § 22a-1b(c) (emphasis added).

22. The Environmental Policy Act defines “actions which *may* significantly affect the environment” to mean individual activities or a sequence of planned activities proposed to be ... funded in whole or in part by the state, *which could have a major impact* on the state’s land, water, air ...or other environmental resources, or could serve short term to the disadvantage of long term environmental goals.” Conn. Gen. Stat. § 22a-1c (emphasis added).

23. The Connecticut Supreme Court has held that in using the word “may” the Connecticut State Legislature “expressed an intent that an [EIE] be prepared whenever there is a reasonable possibility that a state action might have a detrimental effect on the environment” or “whenever the project will arguably damage the environment.” *Manchester Env’tl. Coalition v. Stockton*, 184 Conn. 51, 67 (1981).

24. The Connecticut Supreme Court has also held that “[t]he Environmental Policy

Act threshold for requiring a written evaluation of environmental impact is lower than its federal counterpart, NEPA.” *Id.*

**The EIE Process**

25. An EIE must evaluate in detail, *inter alia*: (i) the proposed action, including its purpose and the need for it; (ii) the environmental consequences of the proposed action, including direct, indirect and cumulative effects on ecological, cultural and recreational resources; (iii) consistency with the State Plan of Conservation and Development; (iv) the relationship of the proposed action to approved land use plans, policies, controls for the affected area; (v) reasonable alternatives including alternative sites that might avoid adverse environmental effects; (vi) measures to mitigate environmental effects; and (vii) the short term and long term economic, social and environmental costs and benefits of the proposed action. Conn. Gen. Stat. § 22a-1b(c); RCSA § 22a-1a-7.

26. The Environmental Policy Act provides that, prior to a decision to prepare an EIE for an action that may significantly affect the environment, the sponsoring agency must conduct an early public scoping process. Conn. Gen. Stat. § 22a-1b(b)(1).

27. The sponsoring agency is required to consider any comments received during the scoping process “and shall evaluate in its environmental impact evaluation any substantive issues raised during the early public scoping process that pertain to a proposed action or site or alternative actions or sites.” Conn. Gen. Stat. § 22a-1b(b)(7).

28. EIEs must be submitted to certain state agencies including DEEP, the Council on Environmental Quality, Commission on Culture and Tourism, and Office of Policy and Management, as well as to the town clerk of each affected municipality, and made available to

the public for review and comment, and a public hearing must be held upon the request of twenty-five persons. Conn. Gen. Stat. § 22a-1d.

29. The sponsoring agency must review all public and agency comments submitted on an EIE and any other pertinent information it obtains following circulation of an EIE, and conduct further environmental study and analysis or amend the evaluation if appropriate.

RCSA § 22a-1a-9(a).

30. The sponsoring agency also must prepare written responses to all substantive issues raised in review of the EIE, and must forward the comments, responses, and any supplemental materials or amendments to the Office of Policy and Management. *Id.*

31. Further, the sponsoring agency must prepare a public record of decision, taking into consideration its findings in the EIE and all comments received. RCSA § 22a-1a-9(b).

32. The public record of decision must state: (1) the agency's decision relative to proceeding with the proposed action; and (ii) "[w]hether *all practicable means* to avoid or minimize environmental harm have been adopted, and if not, why they were not." *Id.*

(emphasis added)

33. The Office of Policy and Management must make a written determination as to whether the EIE satisfies the Environmental Policy Act and its regulations and may require revision of the EIE to correct any inadequacies. Conn. Gen. Stat. § 22a-1e.

34. The sponsoring agency must take into account all public and agency comments on the EIE when making its final decision on the project. *Id.*

### **Coastal Management Act**

35. The Connecticut Coastal Management Act, Conn. Gen. Stat. §§ 22a-90 to 22a-

111 (Coastal Management Act), provides for comprehensive review of proposed development along the Connecticut shoreline and requires that state agency grants must be consistent with the goals and policies set forth in the Coastal Management Act.

36. In particular, Section 22a-100 of the Coastal Management Act, which is entitled “State plans and actions to be consistent with this chapter,” provides that “[e]ach state department ... responsible for the primary recommendation or initiation of actions within the coastal boundary which *may* significantly affect the environment ... shall insure that such actions are consistent with the goals and policies of this chapter and incorporate *all reasonable measures* mitigating any adverse impacts of such actions on coastal resources and future water-dependent development activities.” Conn. Gen. Stat. § 22a-100(b) (emphasis added).

37. The Coastal Management Act’s goals and policies include, but are not limited to, “giving highest priority and preference to water-dependent uses and facilities in shorefront areas to encourage increased recreational boating use of coastal waters, where feasible, by ... limiting non-water-dependent land uses that preclude boating support facilities.” Conn. Gen. Stat. § 22a-92(b)(1); *see also generally* Conn. Gen. Stat. § 22a-92 (“Legislative goals and policies”).

38. The Coastal Management Act defines “[w]ater-dependent uses” as “those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore cannot be located inland, including but not limited to: Marinas, recreational and commercial fishing and boating facilities, ... shipyards and boat building facilities...” Conn. Gen. Stat. § 22a-93(16).



39. Under the Coastal Management Act, “[a]dverse impacts on future water-dependent development opportunities [or] activities” include but are not limited to (A) locating a non-water-dependent use at a site that (i) is physically suited for a water-dependent use for which there is a reasonable demand or (ii) has been identified for a water-dependent use in the plan of development of the municipality or the zoning regulations; (B) replacement of a water-dependent use with a non-water-dependent use, and (C) siting of a non-water-dependent use which would substantially reduce or inhibit existing public access to marine or tidal waters.” Conn. Gen. Stat. § 22a-93(17)(B).

40. A further policy of the Coastal Management Act for state agencies in carrying out their responsibilities under the Coastal Management Act is “[t]o manage uses in the coastal boundary through existing municipal planning, zoning and other local regulatory authorities.” Conn. Gen. Stat. § 22a-92(b)(1)(A).

41. The City of Stamford zoning regulations provide that if a site contains a viable water-dependent use, such use shall be retained and no proposed use shall be approved that would adversely impact a water-dependent use, unless an appropriate level of service or activity will continue in accordance with the objectives of the SRD-S zoning district and Stamford’s Municipal Coastal Program. Stamford Zoning Regulations § 9(J)(4)(d).

#### **State Plan Conformity Requirement**

42. Section 16a-31 of the Connecticut General Statutes provides that the authorization of a state in excess of \$200,000 for the acquisition or development or improvement of real property “shall be consistent” with the State Plan of Conservation and Development (“State Plan of Conservation and Development”). Conn. Gen. Stat. § 16a-

31(a)(4).

43. The State Plan Conformity Requirement set forth in Section 16a-31 is reflected in the Coastal Management Act, which similarly provides that “the policies of the state plan of conservation and development adopted pursuant to part I of chapter 297 [of the Connecticut General Statutes] shall be applied to the area within the coastal boundary in accordance with the requirements of section 16a-31.” Conn. Gen. Stat. § 22a-92(d).

44. The State Plan of Conservation and Development is an official guidance document for proposed state agency actions on land and water resource conservation and development.

45. The State Plan of Conservation and Development includes the policies that state agencies should “[m]inimize the siting of new infrastructure and development in coastal areas prone to erosion and inundation from sea level rise or storms...and undertake any development activities within coastal areas in an environmentally sensitive manner consistent with the statutory goals and policies set forth in the Connecticut Coastal Management Act.” *Conservation and Development Policies: The Plan for Connecticut, 2013-2018*, adopted by the Connecticut General Assembly on June 5, 2013.

### **Environmental Protection Act**

46. The Connecticut Environmental Protection Act of 1971, Conn. Gen. Stat. §§ 22a-14 to -20 (Environmental Protection Act) is separate and distinct from the Environmental Policy Act.

47. Section 22a-16 of the Environmental Protection Act provides in pertinent part: “any person, partnership, corporation, association, organization or other legal entity may

maintain an action in the superior court ... for declaratory and equitable relief against the state ... any instrumentality or agency of the state or ... any person ... or other legal entity, acting alone, or in combination with others, for the protection of the public trust in the air, water and other natural resources of the state from unreasonable pollution, impairment or destruction....” Conn. Gen. Stat. § 22a-16.

48. The Environmental Protection Act expands the class of plaintiffs who are empowered to institute proceedings to vindicate the public interest and creates both procedural and substantive rights. *Manchester Env'tl. Coalition v. Stockton*, 184 Conn. 51, 55-56 (1981).

49. The Connecticut Supreme Court has held that the Environmental Protection Act provides any person with statutory standing to enforce alleged violations of the Environmental Policy Act. *Manchester Env'tl. Coalition v. Stockton*, 184 Conn. 51, 66-67 n.18 (1981).

50. The Environmental Protection Act also provides any person with statutory standing to enforce alleged violations of the Coastal Management Act and Conn. Gen. Stat. § 16a-31 to the extent that the claims raise environmental issues.

## **FACTUAL BACKGROUND**

### **The Proposed Bridgewater Project**

51. On information and belief, Bridgewater Associates (“Bridgewater”) is an investment company based in Westport, Connecticut that manages approximately \$150 billion in global investments and is considered the world’s largest hedge fund.

52. On August 15, 2012, Governor Malloy announced that DECD will provide

\$115 million in public funds to Bridgewater – in the form of grants, tax credits and a “forgivable loan” at a rate of 1% – to assist the hedge fund’s \$750 million proposal to build a new corporate headquarters.

53. According to DECD, Bridgewater proposes to use that state funding to construct a new 850,000-square-foot headquarters building that will rise five stories above a new three-story parking garage large enough to accommodate 3000 cars, along with other facilities on a 14-acre parcel in the “Harbor Point” area of the South End of Stamford.

54. Bridgewater has stated that it plans other associated facilities there, including a helipad and recreational/entertainment barge.

#### **The Yacht Haven West Site**

55. The 14-acre parcel proposed for the Bridgewater project sits on a low-lying peninsula at the foot of Bateman Way in a readily-accessible waterfront location at the mouth of the West Branch of inner Stamford Harbor.

56. For approximately 40 years and until very recently – when the use was illegally terminated by the landowner as discussed below – the 14-acre site contained a sizable full-service working boatyard, known as Yacht Haven West.

57. Prior to use as a boatyard, the 14-acre site was used for shipbuilding for more than six decades. Thus, the history of water-dependent uses at the site extends back more than a century.

58. Yacht Haven West was the last boatyard in Stamford and likely the largest and one of only a few remaining in the Sound with lifts for hauling boats, full boat repair service and winter storage for more than 500 boats on land and 260 slips.

59. The General Development Plan for Harbor Point contains a condition requiring continued maintenance and operation of the Yacht Haven West site as working boatyard and full-sized marina. *See* General Development Plan for Harbor Point, June 25, 2007, as amended June 2, 2008 (Appls. 206-57, 208-05), Condition #7 (“Unless specifically approved by the Zoning Board and any required state and federal authorities, there will be no reduction in any current capacity, facilities, uses or services, insuring the continued operation of this important water dependent use....”).

60. Although the owner of the Yacht Haven West site, The Strand/BRC Group LLC, an affiliate of Building and Land Technology Corp., previously proposed to establish a boatyard at another location, for a variety of reasons related to its small size, location, configuration and the proximity of other uses and facilities, the formerly proposed “substitute” boatyard was not viable, created safety hazards for boaters and other adverse consequences, and would not come close to replacing or mitigating the loss of the Yacht Haven West boatyard in a legally acceptable fashion.

61. On or about October 1, 2013, after much public opposition and criticism from the Stamford Planning Board and others, the The Strand/BRC Group withdrew its proposal for a substitute boatyard.

62. Although there are no other locations in or near Stamford that could support a boatyard comparable to Yacht Haven West, there are a variety of alternative locations which would provide Bridgewater with a state-of-the-art headquarters facility while eliminating, dramatically reducing or otherwise mitigating the adverse environmental effects of the project at the proposed waterfront location.

### **The Cease and Desist Order**

63. In late 2011 and early 2012, without required government approvals and in violation of the Stamford Regulations, the General Development Plan and other requirements, the owner of the Yacht Haven West site illegally terminated the boatyard use there.

64. As a result, on July 16, 2012, the Stamford Office of Zoning Enforcement issued a Notice of Violation - Order to Cease and Desist (the “Cease and Desist Order”), which requires, *inter alia*, The Strand/BRC Group to submit a comprehensive site plan to re-establish a working boatyard/marina at the Yacht Haven West site.

65. On January 8, 2014, the Stamford Board of Zoning Appeals heard an appeal of the Cease and Desist Order and voted unanimously to uphold the Zoning Enforcement Officer’s decision, finding that he acted appropriately in issuing the Cease and Desist Order.

66. The Strand/BRC Group remains in violation of the Cease and Desist Order.

67. An administrative appeal of the Stamford Board of Zoning Appeals’ January 8, 2014, decision is pending in Superior Court.

68. For purposes of the Coastal Management Act, the Stamford Zoning Code, and related laws and requirements, the Yacht Haven West boatyard is an existing viable water-dependent use because it was terminated illegally and is required to be restored.

### **The Scoping Notice and Comments**

69. DECD submitted a “Notice of Scoping for Bridgewater Associates” to the Connecticut Council on Environmental Quality for publication in the *Environmental Monitor*.

70. The Council on Environmental Quality published that notice in the *Environmental Monitor* on May 21, 2013.

71. In response to the scoping notice, on June 21, 2013, DEEP submitted comments to DECD, raising significant concerns regarding adverse impacts on water-dependent uses that should be analyzed under the Environmental Policy Act, stating, *inter alia*:

A primary coastal management issue for this project is the siting of a non-water-dependent use at a location on an open waterfront peninsula in Stamford Harbor that is physically well suited to maritime and recreational boating use, has been identified for marine commercial use in municipal plans and zoning, and had previously been the site of a sizable full-service marina. Accordingly, any CEPA [*i.e.*, Environmental Policy Act] documentation should evaluate potential alternative sites that might be more suitable for the proposed commercial office development, as well as potential mitigation options in the area, as part of the overall project, for the potential loss of water-dependent use at the site.

... Any CEPA analysis of the project should cover the complete range of project elements, particularly those which serve as mitigation for the displacement of water-dependent use at the site.

... Docks and slips reserved for the exclusive use of Bridgewater Associates would be considered to be appurtenant to the upland use and not water-dependent. ... In addition, the proposed helipad and recreational barge are non-water-dependent features, as defined by section 22a-93(16) of the CGS, located over public trust waters and appear to be inconsistent with water-dependent use policies of the Coastal Management Act as well as the Department's public trust obligations.

DEEP Comments, dated June 21, 2013, at 1-2.

72. Connecticut Fund for the Environment ("CFE") also submitted scoping comments to DECD, noting that the "site is suited for a water dependent use because of its coastal peninsula and proximity to Stamford Harbor. Historically, the site has been used as a boatyard and to manufacture boats before that." CFE agreed with DEEP's conclusion that the proposal is not a water-dependent use because all of the proposed facilities could be built on an inland site. CFE further stated that "the proposal does not mitigate the adverse impacts on

future water-dependent development activities through all reasonable measures, as required by the [Coastal Management Act].” CFE Comments, June 21, 2013, at 2, 3.

### **The Environmental Assessment Checklist**

73. DECD prepared a five-and-half page Environmental Assessment Checklist, dated August 6, 2013, that discusses the environmental significance of the Bridgewater project in relation to fourteen categories of environmental factors set forth in Section 22a-1a-3 of the Environmental Protection Act regulations.

74. With respect to seven factors, DECD’s checklist stated merely: “No negatives [sic] impacts are anticipated.”

75. With respect to other factors, DECD’s checklist recognized the potential for adverse environmental impacts.

76. DECD’s checklist did not discuss or analyze any alternative sites for the Bridgewater project.

77. DECD’s checklist concludes with the statement that “The Environmental Assessment for this project does not trigger an obligation under CEPA [the Environmental Policy Act] for an EIE.” Checklist, August 6, 2013, at 6.

### **The Post-Scoping Notice**

78. DECD prepared a “Post-Scoping Notice for Bridgewater Associates,” which it submitted to the Council on Environmental Quality for publication in the *Environmental Monitor*.

79. In the Post-Scoping Notice, published in the *Environmental Monitor* on August 20, 2013, DECD states that it “concluded that the project does not require the



preparation of Environmental Impact Evaluation [EIE] under CEPA.”

80. That notice also stated: “The DECD expects the project to go forward. This is expected to be the final notice of the project to be published in the *Environmental Monitor*.”

### **CEQ Correspondence**

81. In a September 17, 2013 letter, the Connecticut Council on Environmental Quality requested further information from DECD about DECD’s compliance with the Environmental Policy Act and questioned the decision not to prepare an EIE, stating in part:

1) Are there additional documents that support the conclusion that the Bridgewater Associates project does not have the potential to significantly affect the environment ...? ....

2) In a typical case where an EIE is prepared, specific mitigation measures are described in considerable detail, reviewed by the public and other agencies and included in the agency’s Record of Decision.... In the case of Bridgewater Associates, how will such conditions be enforced if some of the proposed mitigation measures fail to materialize?

3) Did your Department seek an opinion from OPM or the Attorney General as to whether reliance on a post-scoping notice fulfills the requirements of CEPA? This requires some explanation. The statutory threshold for conducting an EIE is when a project “may significantly affect the environment.” ... To date, this Council has not seen any other post-scoping notices that are dependent on funding conditions to eliminate the potential for significant environmental impacts. Of the 30 post-scoping notices published to date, the majority were for minor water supply improvement projects. No project approached the scale of the Bridgewater Associates project. In setting this precedent, did the Department rely on any opinions from other agencies? ...

Letter from Council on Environmental Quality Executive Director Karl J. Wagener,

September 17, 2013, at 1-2.

82. In an October 11, 2013 letter, DECD responded by: (i) referring to a flood management certification application, which DECD submitted to DEEP and coordination between Bridgewater and the Office of State Traffic Administration regarding traffic, but not

identifying any additional documents; (ii) stating that mitigation measures will be part of a financial assistance agreement; and (iii) stating that DECD does not typically seek an opinion from the Office of Policy Management or the Attorney General. Letter from DECD Commissioner Catherine H. Smith, October 11, 2013, at 1-2.

83. DECD has not reconsidered its decision not to prepare an EIE for the Bridgewater project.

### **FIRST COUNT**

#### **For a Declaratory Judgment that DECD Has Violated the Environmental Policy Act and an Injunction Requiring Compliance with the Act**

(Failure to Prepare an Environmental Impact Evaluation and Public Record of Decision)

84. Plaintiff repeats and realleges all of the allegations set forth in each and every foregoing paragraph as if fully stated herein.

85. DECD's funding of the Bridgewater project is an action subject to the Environmental Policy Act.

86. The Environmental Protection Act requires preparation of an EIE for each and every project that may have any adverse environmental consequence on any ecological, cultural or recreational resource – directly, indirectly, or cumulatively – during construction or after project completion.

87. The Bridgewater project involves construction of an 850,000-square-foot, five-story office building atop a three-story parking garage and ancillary facilities for thousands of employees on a low-lying waterfront site located in a flood plain and on a peninsula that is zoned for water-dependent uses and has been used as a boatyard for decades.

88. DECD's conclusory statement that "No negatives [sic] impacts are anticipated" with respect to factors such as air quality, noise, groundwater, aesthetic and visual effects, congestion, and disruption or alteration of cultural or recreational resources is unsupported, contrary to the facts and incorrect.

89. To the extent that DECD determined that no adverse environmental impacts are anticipated in any other category, that determination is unsupported, contrary to the facts and incorrect.

90. DECD's failure to prepare an EIE and Public Record of Decision for the Bridgewater project violates the Environmental Policy Act and its regulations.

91. This conduct of Defendant, acting alone and/or in combination with others, is reasonably likely to unreasonably pollute, impair or destroy the public trust in the air, water or other natural resources of the state because the Bridgewater project will or may have numerous significant adverse direct, indirect and cumulative effects on the environment in a variety of categories, both during its construction phase and thereafter, including but not limited to: (i) water pollution from construction; (ii) wastewater discharges and contaminated stormwater discharges; (iii) air pollution from construction, operation of vehicles, machinery and equipment, and as a result of increased vehicle trips and traffic congestion; (iv) adverse visual and aesthetic effects during construction and after completion due to the massive scale of the structures relative to their waterfront setting; (v) noise, especially during construction; (vi) traffic congestion due to the large number of employees transiting to the peninsula location and other large-scale development proposed by the same landowner and others in close proximity; (vii) alteration of coastal and intertidal land along the Harbor shoreline; and

(viii) displacement of cultural and recreational water-dependent activities and resources, in particular the boatyard use for which the proposed site is zoned and has been used for decades.

92. In order for Soundkeeper and its members to protect their rights under the Environmental Policy Act and Environmental Protection Act, as well as their use and enjoyment of Stamford Harbor and to avoid the environmental consequences described in paragraph 90 above, it is necessary that DECD's legal obligations with respect to the Environmental Policy Act's EIE requirement be judicially determined and declared.

93. There are actual bona fide and substantial questions and issues in dispute requiring judicial determination in order for (i) Soundkeeper and its members to participate in the public environmental review process and protect themselves from the environmental consequences of the Bridgewater project, and for (ii) Soundkeeper, its members, the general public, DECD and other agencies to be informed as to the environmental impacts of the Bridgewater project before DECD decides whether to undertake or approve the project.

94. There is no other form of proceeding that can provide Plaintiff immediate redress.

## **SECOND COUNT**

### **For a Declaratory Judgment that DECD Has Violated the Environmental Policy Act and an Injunction Requiring Compliance with the Act**

(Failure to Identify, Develop, Evaluate  
and Disclose Mitigation Measures)

95. Plaintiff repeats and realleges all of the allegations set forth in each and every foregoing paragraph as if fully stated herein.

96. One of the central purposes of the Environmental Policy Act is minimize, mitigate or avoid adverse environmental effects of proposed actions. That purpose is achieved through identification, development, detailed analysis, disclosure, explanation and public review of appropriate mitigation measures, as well as a final agency determination as to whether all practicable means to avoid or minimize environmental harm have been adopted. *See, e.g.*, Conn. Gen. Stat. §§ 22a-1b(b)(6), 22a-1b(c)(5); RCSA §§ 22a-1a-7(g)(6)(F), 22a-1a-9(b).

97. Mitigation measures cannot support a finding of no significant impact unless they have been subject to required Environmental Policy Act process, analyzed in sufficient detail, have been determined to be effective and completely compensate for any possible adverse environmental effects, and are assured to occur.

98. DECD's Environmental Assessment Checklist contains no reference whatsoever to mitigation measures for the vast majority of the adverse environmental consequences of the Bridgewater project.

99. DECD's Environmental Assessment Checklist contains references to only a few mitigation measures for a small subset of adverse environmental consequences. Those references are generally vague, conclusory, speculative, and were not subjected to an effectiveness analysis or public review.

100. DECD's failure to properly identify, develop, analyze and disclose detailed mitigation measures and their effectiveness for the proposed Bridgewater project violates the Environmental Policy Act.

101. This conduct of Defendant, acting alone and/or in combination with others, is

reasonably likely to unreasonably pollute, impair or destroy the public trust in the air, water or other natural resources of the state because the implementation of effective mitigation measures, developed as required by the Environmental Policy Act, would lessen, avoid and/or mitigate adverse environmental consequences of the Bridgewater project, such as those described in paragraph 90, above.

102. In order for Soundkeeper and its members to protect their rights under the Environmental Policy Act and Environmental Protection Act, as well as their use and enjoyment of Stamford Harbor and to avoid the environmental consequences described in paragraph 90 above, it is necessary that DECD's legal obligations under the Environmental Policy Act with respect to mitigation measures be judicially determined and declared.

103. There are actual bona fide and substantial questions and issues in dispute requiring judicial determination in order for (i) Soundkeeper and its members to participate in the public environmental review process and protect themselves from the environmental consequences of the Bridgewater project through the imposition of effective mitigation measures, and for (ii) Soundkeeper, its members, the general public, DECD and other agencies to be informed as to the environmental impacts of the Bridgewater project and the effectiveness of measures to mitigate those impacts before DECD decides whether to undertake or approve the project.

104. There is no other form of proceeding that can provide Plaintiff immediate redress.

### **THIRD COUNT**

#### **For a Declaratory Judgment that DECD Has Violated the Environmental Policy Act and an Injunction Requiring Compliance with the Act**

(Failure to Consider Reasonable Alternatives)

105. Plaintiff repeats and realleges all of the allegations set forth in each and every foregoing paragraph as if fully stated herein.

106. The Environmental Policy Act and its regulations require an analysis of alternatives to the proposed action, including alternative sites. *See, e.g.*, Conn. Gen. Stat. §§ 22a-1b(b)(5)(G); 22a-1b(b)(6); 22a-1b(c); RCSA §§ 22a-1a-7(a); 22a-1a-7(b); 22a-1a-7(f); 22a-1a-7(g)(4); 22a-1a-7(g)(6)(H).

107. The Environmental Policy Act prohibits agencies from defining project objectives in unreasonably narrow terms or taking an unreasonably narrow view of possible alternatives. *Manchester Env'tl. Coalition v. Stockton*, 184 Conn. 51, 68-69 (1981).

108. DECD failed to consider any alternative location for the proposed Bridgewater headquarters.

109. There are a variety of alternative locations in Stamford and elsewhere in the State which would provide Bridgewater with a state-of-the-art headquarters facility while eliminating, dramatically reducing or otherwise mitigating the adverse environmental effects of the project at the proposed location on the 14-acre Yacht Haven West site.

110. DECD improperly defined the project objective in an unreasonably narrow fashion and thereby excluded consideration of project alternatives. Indeed, DECD asserted that “the Proposed Action is the result of a funding request for development of a specific

project site. It is not ‘reasonable’ to assume that the development team would consider other sites for development. Therefore, at this time, the Proposed Action is the only available reasonable alternative to No Action that meets the project purpose and need.” *See* Checklist, Item 14. This unreasonably narrow definition of project purpose defeats the very purpose of the Environmental Policy Act’s requirement for an analysis of alternatives, excludes alternatives that are, in fact, reasonable, and makes environmental review a foreordained formality.

111. DECD’s failure to consider any alternatives to the proposed Bridgewater project violates the Environmental Policy Act and its implementing regulations.

112. This conduct of Defendant, acting alone and/or in combination with others, is reasonably likely to unreasonably pollute, impair or destroy the public trust in the air, water or other natural resources of the state because considering a reasonable range of alternative projects, as required by the Environmental Policy Act, would facilitate implementation of one of those alternatives, which could lessen, avoid and/or mitigate adverse environmental consequences of the Bridgewater project, such as those described in paragraph 90, above.

113. In order for Soundkeeper and its members to protect their rights under the Environmental Policy Act and Environmental Protection Act, as well as their use and enjoyment of Stamford Harbor and to avoid the environmental consequences described in paragraph 90 above, it is necessary that DECD’s legal obligations under the Environmental Policy Act with respect to alternatives be judicially determined and declared.

114. There are actual bona fide and substantial questions and issues in dispute requiring judicial determination in order for (i) Soundkeeper and its members to participate in



the public environmental review process and protect themselves from the environmental consequences of the Bridgewater project through the consideration of alternative projects, and for (ii) Soundkeeper, its members, the general public, DECD and other agencies to be informed as to the environmental impacts of the Bridgewater project and a reasonable range of alternatives before DECD decides whether to undertake or approve the project.

115. There is no other form of proceeding that can provide Plaintiff immediate redress.

#### **FOURTH COUNT**

##### **For a Declaratory Judgment that DECD Has Violated the Environmental Policy Act and an Injunction Requiring Compliance with the Act**

(Failure to Properly Evaluate Consistency with Goals and Policies of Coastal Management Act, State Plan, and Local Plans)

116. Plaintiff repeats and realleges all of the allegations set forth in each and every foregoing paragraph as if fully stated herein.

117. The Environmental Policy Act, and in particular the EIE process, is the primary required mechanism for evaluating the consistency of state-funded or state-approved projects with the goals and policies of the Coastal Management Act (*i.e.*, the Coastal Management Act), the State Plan of Conservation and Development (*i.e.*, the State Plan of Conservation and Development), and approved land use plans, policies and controls for the affected areas. *See, e.g.*, Conn. Gen. Stat. § 22a-1b(c); RCSA §§ 22a-1a-3(a)(8), 22a-1a-7(g)(6)(C).

118. DECD's Environmental Assessment Checklist incorrectly concludes, without supporting discussion or evidence, that there is no inconsistency between the proposed

Bridgewater project and adopted municipal or regional plans.

119. DECD's Environmental Assessment Checklist does not consider the relationship between the proposed Bridgewater project and the State Plan of Conservation and Development's goals to minimize the siting of new development in coastal areas prone to erosion and flooding undertake coastal development in an environmentally sensitive manner consistent with the Coastal Management Act's goals and policies. DECD incorrectly concluded that is consistent with the State Plan of Conservation and Development.

120. DECD did not evaluate whether the proposed Bridgewater project is consistent with the goals and policies of the Coastal Management Act. Instead, DECD assumed that the project would be "deemed consistent" with the water-dependent use policies of the Coastal Management Act "if the proposal ultimately provides reasonable mitigation," thereby improperly deferring assessment of mitigation and consistency to some future, unspecified process outside of the public review avenues of the Environmental Policy Act.

121. This conduct of Defendant, acting alone and/or in combination with others, is reasonably likely to unreasonably pollute, impair or destroy the public trust in the air, water or other natural resources of the state, particularly the cultural and recreational resources provided by water-dependent use of the 14-acre Yacht Haven West site, because the proposed non-water-dependent Bridgewater project conflicts with the goals and policies of the Coastal Management Act, the State Plan of Conservation and Development, the City of Stamford Master Plan, General Development Plan, Zoning Code, and Harbor Management Plan, and a variety of other state and local laws and plans that require protection of existing viable water-dependent uses, many of which recognize the Yacht Haven West boatyard as the crown jewel

of the Harbor that must be preserved and restored.

122. In order for Soundkeeper and its members to protect their rights under the Environmental Policy Act and Environmental Protection Act, as well as their use and enjoyment of Stamford Harbor and to avoid the conflicts described in paragraph 120, above, and the resulting loss of and interference with water-dependent use of the Yacht Haven West site, it is necessary that DECD's legal obligations under the Environmental Policy Act with respect to consistency analysis be judicially determined and declared.

123. There are actual bona fide and substantial questions and issues in dispute requiring judicial determination in order for (i) Soundkeeper and its members to participate in the public environmental review process and protect themselves from the loss of and interference with water-dependent use of the Yacht Haven West site, and for (ii) Soundkeeper, its members, the general public, DECD and other agencies to be informed as to the consistency *vel non* of the Bridgewater project with the Coastal Management Act, State Plan of Conservation and Development and local land use plans before DECD decides whether to undertake or approve the project.

124. There is no other form of proceeding that can provide Plaintiff immediate redress.

### **FIFTH COUNT**

#### **For a Declaratory Judgment that DECD Has Violated the Coastal Management Act and an Injunction Requiring Compliance with the Act**

(Failure to Ensure Consistency with Goals and Policies of Coastal Management Act)

125. Plaintiff repeats and realleges all of the allegations set forth in each and every

foregoing paragraph as if fully stated herein.

126. The Coastal Management Act requires that “[e]ach state department ... responsible for the primary recommendation or initiation of actions within the coastal boundary which *may* significantly affect the environment ... *shall insure* that such actions are consistent with the goals and policies [of the Coastal Management Act].” Conn. Gen. Stat. § 22a-100(b) (emphasis added).

127. The Coastal Management Act’s goals and policies include, but are not limited to, “giving highest priority and preference to water-dependent uses and facilities in shorefront areas to encourage increased recreational boating use of coastal waters, where feasible, by ... limiting non-water-dependent land uses that preclude boating support facilities.” Conn. Gen. Stat. § Conn. Gen. Stat. § 22a-92(b)(1); *see also generally* Conn. Gen. Stat. § 22a-92 (“Legislative goals and policies”)

128. The Bridgewater project is not consistent with the goals and policies of the Coastal Management Act because, among other things, proposes to site a non-water-dependent use at a location on an open waterfront peninsula in Stamford Harbor that is physically well suited to maritime and recreational boating use, has been identified for marine commercial use in municipal plans and zoning, and has been the site of a sizable full-service boatyard and marina.

129. DECD has failed to ensure that the proposed Bridgewater project and DECD’s funding thereof is consistent with the goals and policies of the Coastal Management Act.

130. This conduct of Defendant, acting alone and/or in combination with others, is reasonably likely to unreasonably pollute, impair or destroy the public trust in the air, water or

other natural resources of the state, particularly the cultural and recreational resources provided by water-dependent use of the 14-acre Yacht Haven West site, because the proposed non-water-dependent Bridgewater project conflicts with the goals and policies of the Coastal Management Act.

131. In order for Soundkeeper and its members to protect their rights under the Coastal Management Act and Environmental Protection Act, as well as their use and enjoyment of Stamford Harbor and to avoid conflicts with the goals and policies of the Coastal Management Act and the resulting loss of and interference with water-dependent use of the Yacht Haven West site, it is necessary that DECD's legal obligations with respect to ensuring consistency with the Coastal Management Act's goals and policies be judicially determined and declared.

132. There are actual bona fide and substantial questions and issues in dispute requiring judicial determination in order for (i) Soundkeeper and its members to protect themselves from the loss of and interference with water-dependent use of the Yacht Haven West site, and for (ii) Soundkeeper, its members, the general public, DECD and other agencies to be informed as to the consistency *vel non* of the Bridgewater project with the Coastal Management Act before DECD decides whether to undertake or approve the project.

133. There is no other form of proceeding that can provide Plaintiff immediate redress.

## **SIXTH COUNT**

### **For a Declaratory Judgment that DECD Has Violated the Coastal Management Act and an Injunction Requiring Compliance with the Act**

(Failure to Incorporate All Reasonable Measures  
Mitigating Any Adverse Impacts on Coastal  
Resources and Water-Dependent Activities)

134. Plaintiff repeats and realleges all of the allegations set forth in each and every foregoing paragraph as if fully stated herein.

135. The Coastal Management Act requires that “[e]ach state department ... responsible for the primary recommendation or initiation of actions within the coastal boundary which *may* significantly affect the environment ... shall ... incorporate *all reasonable measures* mitigating any adverse impacts of such actions on coastal resources and future water-dependent development activities.” Conn. Gen. Stat. § 22a-100(b) (emphasis added).

136. DECD failed to incorporate all reasonable measures mitigating the adverse impacts of the proposed Bridgewater project on coastal resources and future water-dependent development activities.

137. This conduct of Defendant, acting alone and/or in combination with others, is reasonably likely to unreasonably pollute, impair or destroy the public trust in the air, water or other natural resources of the state, particularly the coastal resources and the cultural and recreational resources provided by water-dependent use of the 14-acre Yacht Haven West site, because the proposed non-water-dependent Bridgewater project does not incorporate all reasonable mitigation measures mitigating any adverse impacts on coastal resources and

water-dependent activities.

138. In order for Soundkeeper and its members to protect their rights under the Coastal Management Act and Environmental Protection Act, as well as their use and enjoyment of Stamford Harbor and to avoid impacts on coastal resources and water-dependent activities at the Yacht Haven West site, it is necessary that DECD's legal obligations with respect to mitigation measures under the Coastal Management Act be judicially determined and declared.

139. There are actual bona fide and substantial questions and issues in dispute requiring judicial determination in order for (i) Soundkeeper and its members to protect themselves from adverse effects on coastal resources and the loss of and interference with water-dependent use of the Yacht Haven West site, and for (ii) Soundkeeper, its members, the general public, DECD and other agencies to be informed as to the extent and the effectiveness of all reasonable measures to mitigate those adverse impacts before DECD decides whether to undertake or approve the project.

140. There is no other form of proceeding that can provide Plaintiff immediate redress.

#### **SEVENTH COUNT**

#### **For a Declaratory Judgment that DECD Has Violated Conn. Gen. Stat. § 16a-31(a)(4) and an Injunction Requiring Compliance with that Statute**

(Failure to Ensure Consistency with State  
Plan of Conservation and Development)

141. Plaintiff repeats and realleges all of the allegations set forth in each and every foregoing paragraph as if fully stated herein.

142. Section 16a-31(a)(4) of the Connecticut General Statutes provides that state funding authorization exceeding \$200,000 for the acquisition or development or improvement of real property “shall be consistent” with the State Plan of Conservation and Development. Conn. Gen. Stat. § 16a-31(a)(4).

143. The proposed Bridgewater project is not consistent with the State Plan of Conservation and Development in that, *inter alia*, it does not minimize the siting of new development in coastal areas prone to erosion and flooding and does not undertake coastal development in an environmentally sensitive manner, consistent with the Coastal Management Act’s goals and policies.

144. DECD has failed to ensure that the authorization of \$115 million in state funding for the proposed Bridgewater project is consistent with the State Plan of Conservation and Development.

145. This conduct of Defendant, acting alone and/or in combination with others, is reasonably likely to unreasonably pollute, impair or destroy the public trust in the air, water or other natural resources of the state, particularly the coastal resources, because the proposed non-water-dependent Bridgewater project does not ensure consistency with the State Plan of Conservation and Development and the Coastal Management Act’s goals and policies.

146. In order for Soundkeeper and its members to protect their rights under Section 16a-31(a)(4) of the Connecticut General Statutes and the Environmental Protection Act, as well as their use and enjoyment of Stamford Harbor and to avoid impacts on coastal resources, it is necessary that DECD’s legal obligations under Section 16a-31(a)(4) be judicially determined and declared.



147. There are actual bona fide and substantial questions and issues in dispute requiring judicial determination in order for (i) Soundkeeper and its members to protect themselves from adverse effects on coastal resources, and for (ii) Soundkeeper, its members, the general public, DECD and other agencies to be informed as to the consistency *vel non* of the Bridgewater project with the State Plan of Conservation and Development and the Coastal Management Act's goals and policies before DECD decides whether to undertake or approve the project.

148. There is no other form of proceeding that can provide Plaintiff immediate redress.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Soundkeeper, Inc. respectfully claims and prays for the following:

#### **With respect to the First Count:**

1. A declaratory judgment declaring that DECD has violated the Environmental Policy Act by failing to prepare an EIE and a Public Record of Decision for the proposed Bridgewater project;
2. An injunction enjoining implementation of DECD's financial assistance to Bridgewater Associates unless and until DECD has prepared an EIE and a Public Record of Decision, including responses to public and agency comments, in full procedural and substantive compliance with the Environmental Policy Act;
3. Costs of suit, including reasonable costs for witnesses and a reasonable attorney's fee, pursuant to Section 22a-18(e) of the Environmental Protection Act, Conn. Gen. Stat. § 22a-18(e), or other authority; and
4. Such further and additional relief as the Court deems just and proper.

#### **With respect to the Second Count:**

1. A declaratory judgment declaring that DECD has violated the Environmental Policy Act by failing to properly identify, develop, analyze and disclose detailed mitigation measures and their effectiveness for the proposed Bridgewater project;
2. An injunction enjoining implementation of DECD's financial assistance to Bridgewater Associates unless and until DECD has identified, developed, analyzed and disclosed detailed mitigation measures and their effectiveness for the proposed Bridgewater

project in full procedural and substantive compliance with the Environmental Policy Act;

3. Costs of suit, including reasonable costs for witnesses and a reasonable attorney's fee, pursuant to Section 22a-18(e) of the Environmental Protection Act, Conn. Gen. Stat. § 22a-18(e), or other authority; and

4. Such further and additional relief as the Court deems just and proper.

**With respect to the Third Count:**

1. A declaratory judgment declaring that DECD has violated the Environmental Policy Act by failing to consider alternatives, including alternative sites, for the proposed Bridgewater project;

2. An injunction enjoining implementation of DECD's financial assistance to Bridgewater Associates unless and until DECD has considered a reasonable range of alternatives, including alternative sites, for the proposed Bridgewater project in full procedural and substantive compliance with the Environmental Policy Act;

3. Costs of suit, including reasonable costs for witnesses and a reasonable attorney's fee, pursuant to Section 22a-18(e) of the Environmental Protection Act, Conn. Gen. Stat. § 22a-18(e), or other authority; and

4. Such further and additional relief as the Court deems just and proper.

**With respect to the Fourth Count:**

1. A declaratory judgment declaring that DECD has violated the Environmental Policy Act by failing to to evaluate the Bridgewater project for consistency with the goals and policies of the Coastal Management Act, State Plan of Conservation and Development, and local zoning and other land use plans;

2. An injunction enjoining implementation of DECD's financial assistance to Bridgewater Associates unless and until DECD has evaluated the Bridgewater project for consistency with the goals and policies of the Coastal Management Act, State Plan of Conservation and Development, and local zoning and other land use plans, in full procedural and substantive compliance with the Environmental Policy Act;

3. Costs of suit, including reasonable costs for witnesses and a reasonable attorney's fee, pursuant to Section 22a-18(e) of the Environmental Protection Act, Conn. Gen. Stat. § 22a-18(e), or other authority; and

4. Such further and additional relief as the Court deems just and proper.

**With respect to the Fifth Count:**

1. A declaratory judgment declaring that DECD has violated the Coastal Management Act by failing to ensure consistency with the goals and policies of the Coastal Management Act;

2. An injunction enjoining implementation of DECD's financial assistance to Bridgewater Associates unless and until DECD has ensured consistency with the goals and policies of the Coastal Management Act in full procedural and substantive compliance with the Coastal Management Act;

3. Costs of suit, including reasonable costs for witnesses and a reasonable attorney's fee, pursuant to Section 22a-18(e) of the Environmental Protection Act, Conn. Gen. Stat. § 22a-18(e), or other authority; and

4. Such further and additional relief as the Court deems just and proper.

**With respect to the Sixth Count:**

1. A declaratory judgment declaring that DECD has violated the Coastal Management Act by failing to incorporate all reasonable measures mitigating any adverse impacts of the Bridgewater project on coastal resources and future water-dependent development activities;
2. An injunction enjoining implementation of DECD's financial assistance to Bridgewater Associates unless and until DECD has incorporated all reasonable measures mitigating any adverse impacts of the Bridgewater project on coastal resources and future water-dependent development activities in full procedural and substantive compliance with the Coastal Management Act;
3. Costs of suit, including reasonable costs for witnesses and a reasonable attorney's fee, pursuant to Section 22a-18(e) of the Environmental Protection Act, Conn. Gen. Stat. § 22a-18(e), or other authority; and
4. Such further and additional relief as the Court deems just and proper.

**With respect to the Seventh Count:**

1. A declaratory judgment declaring that DECD has violated Conn. Gen. Stat. §§ 16a-31(a)(4) by failing to ensure that the Bridgewater project is consistent with the State Plan of Conservation and Development;
2. An injunction enjoining implementation of DECD's financial assistance to Bridgewater Associates unless and until DECD has ensured that the Bridgewater project is consistent with the State Plan of Conservation and Development in full procedural and substantive compliance with Conn. Gen. Stat. §§ 16a-31(a)(4);

3. Costs of suit, including reasonable costs for witnesses and a reasonable attorney's fee, pursuant to Section 22a-18(e) of the Environmental Protection Act, Conn. Gen. Stat. § 22a-18(e), or other authority; and
4. Such further and additional relief as the Court deems just and proper.

PLAINTIFF, SOUNDKEEPER, INC.

By: Alexandra Hankovszky  
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131 Varick Street, Suite 1033  
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Its Attorney

CERTIFICATE OF JOINDER OF/OR  
NOTICE TO INTERESTED PERSONS

Pursuant to Connecticut Practice Book § 17-56(b) this is to certify that all persons interested in the subject matter of the attached complaint have either been joined as parties to the action or given reasonable notice thereof. The parties to whom notice was given by certified mail, return receipt requested, the addresses to which notice was sent, and the nature of their interests are as follows:

1.       Bridgewater Associates, LP [One Glendinning Place, Westport, CT 06880, Attn: Chief Legal Counsel], which is an interested party because it would receive financial assistance from DECD as a result of the Bridgewater project;
2.       The Connecticut Department of Energy and Environmental Protection [79 Elm Street, Hartford, CT 06106, Attn: Office of Legal Counsel], which is an interested party because, *inter alia*, it submitted scoping comments to DECD in which DEEP identified a “primary coastal management issue for this project” as “the siting of a non-water-dependent use at a location on an open waterfront peninsula in Stamford Harbor that is physically well suited to maritime and recreational boating use, has been identified for marine commercial use in municipal plans and zoning, and had previously been the site of a sizable full-service marina” and stated that “any CEPA [*i.e.*, Environmental Policy Act] documentation should evaluate potential alternative sites that might be more suitable for the proposed commercial office development, as well as potential mitigation options in the area, as part of the overall project, for the potential loss of water-dependent use at the site”;

3. The City of Stamford [Stamford Government Center, 888 Washington Center, 9th Floor, Stamford, CT 06901, Attn: Corporation Counsel], which is an interested party because the Bridgewater project conflicts with local zoning and land use plans; and

4. The Strand/BRC Group LLC [100 Washington Blvd, Suite 200 Stamford, CT 06902, Attn: General Counsel], which is an interested party because it owns the Yacht Haven West site and seeks to develop that site as an office complex rather than restoring its water-dependent use.

PLAINTIFF, SOUNDKEEPER, INC.

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